

CHAPTER 1081
COPIES OF DOCUMENTS OF DEBT
S.F. 2275

AN ACT to require lenders or secured parties to provide debtors with copies of documents relating to the debt.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 535.14 DELIVERY OF COPIES OF DEBT INSTRUMENTS.**

A lender or other secured party shall provide to a debtor copies of all documents signed by the debtor relating to the debt at the time a debt instrument is executed. Receipt of the copies required by this section may be acknowledged on the instrument itself.

A lender or other secured party shall provide to a debtor copies of all documents signed by the debtor relating to the debt at times other than at execution, upon request, at a price no more than the actual cost of reproduction.

Approved April 15, 1986

CHAPTER 1082
DISCLOSURE OF MENTAL HEALTH INFORMATION
S.F. 2247

AN ACT relating to the disclosure of mental health information and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 228.1 DEFINITIONS.**

As used in this chapter:

1. "Administrative information" means an individual's name, identifying number, age, sex, address, dates and character of professional services provided to the individual, and fees for the professional services.

2. "Data collector" means a person, other than a mental health professional or an employee of or agent for a mental health facility, who regularly assembles or evaluates mental health information.

3. "Diagnostic information" means a therapeutic characterization of the type found in the diagnostic and statistical manual of mental disorders of the American psychiatric association or in a comparable professionally recognized diagnostic manual.

4. "Mental health facility" means a community mental health center, hospital, clinic, office, health care facility, infirmary, or similar place in which professional services are provided.

5. "Mental health information" means oral, written, or recorded information which indicates the identity of an individual receiving professional services and which relates to the diagnosis, course, or treatment of the individual's mental or emotional condition.

6. "Mental health professional" means an individual who has all of the following qualifications:

a. The individual holds at least a master's degree in a mental health field, including but not limited to, psychology, counseling and guidance, nursing, and social work, or the individual is a physician and surgeon or an osteopathic physician and surgeon.

b. The individual holds a current Iowa license if practicing in a field covered by an Iowa licensure law.

c. The individual has at least two years of post-degree clinical experience, supervised by another mental health professional, in assessing mental health needs and problems and in providing appropriate mental health services.

7. "Professional services" means diagnostic or treatment services for a mental or emotional condition provided by a mental health professional.

8. "Third-party payor" means a person which provides accident and health benefits or medical, surgical, or hospital benefits, whether on an indemnity, reimbursement, service, or prepaid basis, including but not limited to, insurers, nonprofit health service corporations, health maintenance organizations, governmental agencies, and employers.

Sec. 2. NEW SECTION. 228.2 MENTAL HEALTH INFORMATION DISCLOSURE PROHIBITED - EXCEPTIONS - RECORD OF DISCLOSURE.

1. Except as specifically authorized in section 228.3, 228.5, or 228.6, a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility shall not disclose or permit the disclosure of mental health information.

2. Upon disclosure of mental health information pursuant to section 228.3, 228.5, or 228.6, the person disclosing the mental health information shall enter a notation on and maintain the notation with the individual's record of mental health information. The notation shall include all of the following:

- a. The date of the disclosure.
- b. The name of the recipient of the mental health information.
- c. A description of the contents of the disclosure.

The person disclosing the mental health information shall give the recipient of the information a statement which informs the recipient that disclosures may only be made pursuant to the written authorization of an individual or an individual's legal representative, or as otherwise provided in chapter 228, that the unauthorized disclosure of mental health information is unlawful, and that civil damages and criminal penalties may be applicable to the unauthorized disclosure of mental health information.

3. A recipient of mental health information shall not disclose the information received, except as specifically authorized for initial disclosure in section 228.3, 228.5, or 228.6.

Sec. 3. NEW SECTION. 228.3 VOLUNTARY DISCLOSURES.

1. An individual eighteen years of age or older or an individual's legal representative may consent to the disclosure of mental health information relating to the individual by a mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility, by signing a voluntary written authorization. The authorization shall:

a. Specify the nature of the mental health information to be disclosed, the persons or type of persons authorized to disclose the information, and the purposes for which the information may be used both at the time of the disclosure and in the future.

b. Advise the individual of the individual's right to inspect the disclosed mental health information at any time.

c. State that the authorization is subject to revocation and state the conditions of revocation.

d. Specify the length of time for which the authorization is valid and whether the authorization is renewable.

e. Contain the date on which the authorization was signed.

2. A copy of the authorization shall:

a. Be provided to the individual and to the person authorizing the disclosure.

b. Accompany all disclosures.

c. Be included in the individual's record of mental health information.

3. A third-party payor may only request an individual eighteen years of age or older or the individual's legal representative to consent to the disclosure of the following mental health information by a mental health professional or an employee of or agent for a mental health facility if necessary to determine the individual's entitlement to, or the amount of, benefits payable for professional services provided to the individual:

- a. Administrative information.
- b. Diagnostic information.
- c. The individual's voluntary or involuntary treatment status.
- d. The estimated time during which treatment might continue.

If a third-party payor questions an individual's entitlement to, or the amount of benefits payable for professional services provided to the individual following disclosure of the information in paragraphs "a" through "d", the third-party payor may request the individual or the individual's legal representative to consent to the disclosure of mental health information to a mental health professional, who is not affiliated with either the service provider or the third-party payor, for the purpose of conducting an independent review of the individual's record of mental health information and the individual's entitlement to, or the amount of benefits payable for professional services provided to the individual. Mental health information disclosed to the nonaffiliated mental health professional for the purpose of the review shall not be disclosed to the third-party payor.

Sec. 4. NEW SECTION. 228.4 REVOCATION OF DISCLOSURE AUTHORIZATION.

An individual or an individual's legal representative may revoke a prior authorization by providing a written revocation to the recipient named in the authorization and to the mental health professional, data collector, or employee or agent of a mental health professional, of a data collector, or of or for a mental health facility previously authorized to disclose the mental health information. The revocation is effective upon receipt of the written revocation by the person previously authorized to disclose the mental health information. After the effective revocation date, mental health information shall not be disclosed pursuant to the revoked authorization. However, mental health information previously disclosed pursuant to the revoked authorization may be used for the purposes stated in the original written authorization.

Sec. 5. NEW SECTION. 228.5 ADMINISTRATIVE DISCLOSURES.

1. An individual or an individual's legal representative shall be informed that mental health information relating to the individual may be disclosed to employees or agents of or for the same mental health facility if and to the extent necessary to facilitate the provision of professional services to the individual.

2. If an individual eighteen years of age or older or an individual's legal representative has received a written notification that a fee is due a mental health professional or a mental health facility and has failed to arrange for payment of the fee within a reasonable time after the notification, the mental health professional or mental health facility may disclose administrative information necessary for the collection of the fee to a person or agency providing collection services.

If a civil action is filed for the collection of the fee, additional mental health information shall not be disclosed in the litigation, except to the extent necessary to respond to a motion of the individual or the individual's legal representative for greater specificity or to dispute a defense or counterclaim.

3. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information if necessary for the purpose of conducting scientific research, management audits, or program evaluations of the mental health professional or mental health facility, to persons who have demonstrated and provided written assurances of their ability to ensure compliance with the requirements of this chapter. The persons shall not identify, directly or indirectly, an individual in any report of the research, audits, or evaluations, or otherwise disclose individual identities in any manner.

Sec. 6. NEW SECTION. 228.6 COMPULSORY DISCLOSURES.

1. A mental health professional or an employee of or agent for a mental health facility may disclose mental health information if and to the extent necessary, to meet the requirements of

section 229.24, 229.25, 230.20, 230.21, 230.25, 230.26, 230A.13, 232.74, or 232.147, or to meet the compulsory reporting or disclosure requirements of other state or federal law relating to the protection of human health and safety.

2. Mental health information acquired by a mental health professional pursuant to a court-ordered examination may be disclosed pursuant to court rules.

3. Mental health information may be disclosed by a mental health professional if and to the extent necessary, to initiate or complete civil commitment proceedings under chapter 229.

4. Mental health information may be disclosed in a civil or administrative proceeding in which an individual eighteen years of age or older or an individual's legal representative or, in the case of a deceased individual, a party claiming or defending through a beneficiary of the individual, offers the individual's mental or emotional condition as an element of a claim or a defense.

5. An individual eighteen years of age or older or an individual's legal representative or any other party in a civil, criminal, or administrative action, in which mental health information has been or will be disclosed, may move the court to denominate, style, or caption the names of all parties as "JOHN OR JANE DOE" or otherwise protect the anonymity of all of the parties.

Sec. 7. This Act, being deemed of immediate importance, takes effect from and after its publication in The Anamosa Journal-Eureka, a newspaper published in Anamosa, Iowa, and in the Quad City Times, a newspaper published in Davenport, Iowa.

Approved April 15, 1986

I hereby certify that the foregoing Act, Senate File 2247, was published in the Quad-City Times, Davenport, Iowa, on April 21, 1986, and in The Anamosa Journal-Eureka, Anamosa, Iowa, on April 23, 1986.

MARY JANE ODELL, *Secretary of State*

CHAPTER 1083
ABANDONED DOGS AND CATS
H.F. 2098

AN ACT to prohibit the abandonment of dogs and cats and providing a penalty.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. NEW SECTION. 717.6 ABANDONMENT OF CATS AND DOGS — PENALTY.

A person who has ownership or custody of a cat or dog shall not abandon the cat or dog, except the person may deliver the cat or dog to another person who will accept ownership and custody or the person may deliver the cat or dog to an animal shelter or pound as defined in section 162.2. A person who violates this section is guilty of a simple misdemeanor.

Approved April 16, 1986